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UNITED STATES DISTRICT COURT

# NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR 12-0119 SI  
v. )  
JOSEPH ORTIZ, ) STIPULATION AND [PROPOSED] ORDER  
Defendant. ) REGARDING BRIEFING SCHEDULE  
 ) FOR DEFENDANT'S 2255 PETITION  
 )  
 )

Pursuant to the Court's Order dated May 16, 2017, the government is hereby advising the Court that it intends to oppose defendant Joseph Ortiz's 2255 petition. In addition, the government has conferred with Michael Clough, appointed defense counsel with respect to the 2255 petition, regarding a proposed briefing schedule with respect to the defendant's already filed 2255 petition. Given that the defendant is serving mandatory life sentences that are not impacted by the present 2255 petition, the defendant will not suffer any prejudice from awaiting the Supreme Court's decision in Dimaya, which decision may have a substantial impact on this Court's decision on the instant 2255 petition. Thus, the parties stipulate to the following briefing schedule with respect to the defendant's already filed 2255 petition:

(1) The government shall file its opposition brief with 90 days of the Supreme Court's decision in Dimaya;

1 (2) The defendant shall file any reply brief within 30 days of the government's filing of its  
2 opposition.

3  
4 DATED: June 6, 2016

Respectfully submitted,

5 BRIAN J. STRETCH  
6 United States Attorney

7 By: \_\_\_\_\_ /s/  
8 Stephen Meyer  
9 Assistant United States Attorney

10 \_\_\_\_\_ /s/  
11 Michael Clough  
12 Counsel for the Defendant

## ~~[PROPOSED]~~ ORDER

Based on the stipulation of the parties, it is hereby ordered that the parties will adhere to the following briefing schedule with respect to the defendant's already filed 2255 petition:

- (1) The government shall file its opposition brief with 90 days of the Supreme Court's decision in Dimaya;
- (2) The defendant shall file any reply brief within 30 days of the government's filing of its opposition.

IT IS SO ORDERED.

DATED: June 6, 2017

Susan Illston  
THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE